#### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

ALLERGAN, INC.,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC., ET AL.,

Defendants.

Civil Action No. 2:15-cv-1455-WCB LEAD CASE

# ADDITIONAL ATTACHMENTS TO DEFENDANTS' MOTION TO DISMISS FOR LACK OF STANDING OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 102(f)

Defendants hereby submit the following exhibits as additional attachments to Defendants' Motion to Dismiss for Lack of Standing or, in the Alternative, for Summary Judgment of Invalidity Under U.S.C. § 102(f).

Exhibit 2	U.S. Patent No. 4,839,342
Exhibit 3	U.S. Patent No. 5,474,979
Exhibit 5	U.S. Patent No. 8,629,111
Exhibit 6	U.S. Patent No. 8,633,162
Exhibit 7	U.S. Patent No. 8,642,556
Exhibit 8	U.S. Patent No. 8,648,048
Exhibit 9	U.S. Patent No. 8,685,930
Exhibit 10	U.S. Patent No. 9,248,191
Exhibit 15	Ophthalmic Cyclosporine (Restasis) for Dry Eye Disease, The Medical
	Letter on Drugs and Therapeutics, Vol. 45, May 26, 2003

Dated: May 30, 2017

#### /s/ Anna G. Phillips

Douglas H. Carsten Wendy Devine Christina E. Dashe Alina L. Litoshyk Nellie J. Amjadi

WILSON SONSINI GOODRICH & ROSATI 12235 El Camino Real, Suite 200 San Diego, CA 92130-3002

Tel: 858-350-2300 Fax: 858-350-2399 dcarsten@wsgr.com wdevine@wsgr.com cdashe@wsgr.com alitoshyk@wsgr.com namjadi@wsgr.com

Anna G. Phillips

Texas Bar No. 24090329

WILSON SONSINI GOODRICH & ROSATI 900 South Capital of Texas Highway

Las Cimas IV, Fifth Floor Austin, TX 78746-5546 Tel: 512-338-5400 Fax: 512-338-5499

anphillips@wsgr.com

Melissa Smith

Allen Franklin Gardner GILLAM & SMITH LLP 303 S. Washington Ave. Marshall, Texas 75670 Tel: 903-934-8450 Fax: 903-934-9257

melissa@gillamsmithlaw.com allen@gillamsmithlaw.com

## COUNSEL FOR DEFENDANTS MYLAN PHARMACEUTICALS INC. AND MYLAN INC.

#### Respectfully submitted,

#### /s/ J.C. Rozendaal

J.C. Rozendaal (pro hac vice)
Michael E. Joffre (pro hac vice)
Pauline M. Pelletier (pro hac vice)
R. Wilson Powers III (pro hac vice)
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

1100 New York Ave. NW, Suite 600 Washington, DC 20005

Tel: 202-371-2600 Fax: 202-371-2540 jcrozendaal@skgf.com mjoffre@skgf.com ppelletier@skgf.com tpowers@skgf.com

Louis B. ("Brady") Paddock Texas Bar No. 00791394 NIX, PATTERSON & ROACH L.L.P. 2900 St. Michael Drive, Ste. 500 Texarkana, TX 75503 (903) 223-3999 (903) 223-8520 (fax) bpaddock@nixlawfirm.com

#### COUNSEL FOR DEFENDANT TEVA PHARMACEUTICALS USA, INC.

#### /s/ Stephen R. Smerek

Stephen R. Smerek (pro hac vice)
Shilpa Coorg (pro hac vice)

Jason Craig Hamilton (pro hac vice)

WINSTON & STRAWN LLP

333 South Grand Avenue, 38th Floor

Los Angeles, CA 90071-1543

Tel: 213-615-1933 Fax: 213-615-1750 ssmerek@winston.com scoorg@winston.com jhamilton@winston.com

Charles B. Klein (pro hac vice)
WINSTON & STRAWN LLP

#### /s/ Michael R. Dzwonczyk

Michael R. Dzwonczyk

Azadeh Kokabi

Mark Boland

SUGHRUE MION PLLC

2100 Pennsylvania Ave NW, Suite 800

Washington, DC 20037 Tel: 202-293-7060

Fax: 202-293-7860

mdzwonczyk@sughrue.com akokabi@sughrue.com mboland@sughrue.com

Earl Glenn Thames, Jr.

POTTER MINTON

110 N College Avenue, Suite 500

Tyler, TX 75702 Tel: 903-597-8311 Fax: 903-593-0846

glennthames@potterminton.com

## COUNSEL FOR DEFENDANT AKORN, INC.

1700 K Street, NW

Washington, DC 20006

Tel: 202-282-5977

Fax: 202-282-5100

cklein@winston.com

Deron R. Dacus

Peter Aaron Kerr

THE DACUS FIRM, PC

821 ESE Loop 323, Suite 430

Tyler, TX 75701

Tel: 903-705-1117

Fax: 903-581-2543

ddacus@dacusfirm.com

pkerr@dacusfirm.com

### COUNSEL FOR DEFENDANT INNOPHARMA, INC.

#### /s/ William Rakoczy

William A. Rakoczy (pro hac vice)

Paul J. Molino (pro hac vice)

Peter J. Curtin (pro hac vice)

John D. Polivick (pro hac vice)

Kevin P. Burke (pro hac vice)

Patrick N. Abbott (pro hac vice)RAKOCZY

MOLINO MAZZOCHI SIWIK LLP

6 West Hubbard Street, Suite 500

Chicago, Illinois 60654

Tel: (312) 222-6301

Fax: (312) 222-6321

wrakoczy@rmmslegal.com

paul@rmmslegal.com

jpolivick@rmmslegal.com

kburke@rmmslegal.com

pabbott@rmmslegal.com

Eric H. Findlay

Texas Bar No. 00789886

Walter Wayne Lackey, Jr.

Texas Bar No. 24050901

FINDLAY CRAFT, P.C.

102 North College Avenue, Suite900

Tyler, TX 75702 Tel: (903) 534-1100 Fax: (903) 534-1137

COUNSEL FOR DEFENDANT

**FAMY CARE LIMITED** 

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing was served upon all counsel of record via e-mail on May 30, 2017.

/s/ J.C. Rozendaal J.C. Rozendaal